IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.11937 of 1998

Between:

Lalji Bhakta s/o Late Panchadev Bhakta,
Office of the Commandant, Central Industrial Security Force Unit, Visakhapatnam Steel Plant,
Visakhapatnam-31.

..... PETITIONER

AND

1 The Secretary, Ministry of Home Affairs,

North Block, Parliament, New Delhi.
2 The Director General, Central Industrial

Security Force, Head Qrs.13, C.G.O.Complex,

Lodhi Road, New Delhi - 110 003
3 The Commandant, Central Industrial

Security Force Unit, Visakhapatnam Steel Plant,

Visakhapatnam-530 031.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or a direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in keeping the petitioner out of promotion to the post of Sub-Inspector as arbitrary, illegal and unjust and consequently direct the respondents to promote the petitioner to the post of Sub-Inspector with effect from the date when his juniors were so promoted.

Counsel for the Petitioner: Mr.R.K.SURI

Counsel for the Respond ents : Mr.K.Narahari, Addl SC for Central Government

The Court made the following :

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in keeping the petitioner out of promotion to the post of Sub-Inspector as arbitrary and illegal and consequently, direct the respondents to promote the petitioner to the post of Sub-Inspector with effect from the date when his juniors were so promoted.

According to the petitioner, he was initially appointed as a Constable on 6-8-1970 in Central Industrial Security Force at Bokaro Steel Plant, Bihar. Subsequently, he was promoted as Head Constable with effect from 18-12-1975 and as Assistant Sub-Inspector on 19-4-1988. Though, he was entitled for being promoted to the post of Sub-Inspector in the year 1995 itself, the authorities have arbitrarily promoted his juniors to the post of Sub-Inspector overlooking his seniority and merit.

During the course of arguments, learned counsel appearing for respondents placed before this Court, Proceedings dated 29-7-1999 of the Commandant, CISF unit, Bokaro Steel Plant, Bokaro promoting the petitioner to the post of Sub-Inspector/Exe. on regular basis in the pay scale of Rs.5500-175-9000 with effect from 12-7-1999. Learned counsel for the petitioner having seen the said Order is satisfied with the same and submits that the writ petition has become infructuous in view of the said Order dated 29-7-1999.

Copy of the Proceedings dated 29-7-1999 of the Commandant, CISF unit, Bokaro Steel Plant, Bokaro is placed on record.

The writ petition is dismissed as infructuous. No costs.

October 4,2004

prk

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Ministry of Home Affairs,

North Block, Parliament, New Delhi.
2 The Director General, Central Industrial

Security Force, Head Qrs.13, C.G.O.Complex,

Lodhi Road, New Delhi - 110 003
3 The Commandant, Central Industrial

Security Force Unit, Visakhapatnam Steel Plant,

Visakhapatnam-530 031.

4. 2CD copies